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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,993	07/30/2001	Yuji Irie	36856.521	9768

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EXAMINER

BUDD, MARK OSBORNE

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 04/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

917993

Applicant(s)

Irie

Examiner

M. Bodd

Group Art Unit

2834

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some* ☐ None of the:

- ☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi, Tsuji or Ueda in view of Staudte, Yachi or Ikawa.

Onishi (Fig. 2), Ueda (figs. 1, 4, 6, 10, 11, 13, 15, 16, 18, 20 & 21) and Tsuji (figs. 1-7 & 9) teach the surface acoustic wave package structure except the metal is secured to the main body with a conductive joint e.g. solder. Each of Staudte (#38), Yachi (#24 Fig. 2) (#46 fig. 10A) and Ikata (col. 4 ln. 30-col. 5 ln. 28) teach securing the lid on a piezoelectric package using a non-conductive bond. Since it has long been ^{held}~~known~~ that selection from among known suitable materials is within the skill expected of the routineer, using the well known non-conductive bond in Onishi, Tsuji or Oneda would have been obvious to one of ordinary skill in the art. Materials selection can be based on wanting to electrically insulate parts, thermally insulate members provide better coefficient of expansion matching etc, etc.

Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi, Tsuji or Ueda in view of Hafner, or Vig.

Ohnishi, Ueda and Tsuji teach the surface acoustic wave package but uses a metal cover which is soldered to the main body. However, Hafner to and the main body. However, Vig

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teach using the same ceramic material for the lid and main body of a saw package to eliminate the effects of temperatures changes which could cause breaking of the seal. They also teaching using a thermo compression bond to seal the container. Because of these advantages, ti would have been obvious to one of ordinary skill in the art to house the SAW devices of Onishi, Tsuji or Ueda in the ceramic housing taught by Vig or Hafner.

Budd/ds

03/29/02


WILLIAM J. BUDD
PRIMARY EXAMINER
ART UNIT 212